

**BUILDING PERMIT REQUIREMENTS**

2024 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: R. Neil Walter**

Senate Sponsor: Curtis S. Bramble

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**LONG TITLE**

**General Description:**

This bill modifies provisions related to building permits issued by a county or municipality.

**Highlighted Provisions:**

This bill:

▶ prohibits a county or municipality from changing or adding to building permit requirements after issuance of the building permit **↗** , **except in certain circumstances** **↖** .

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**10-9a-509**, as last amended by Laws of Utah 2023, Chapter 478

**17-27a-508**, as last amended by Laws of Utah 2023, Chapter 478

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*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **10-9a-509** is amended to read:

**10-9a-509. Applicant's entitlement to land use application approval --**

**Municipality's requirements and limitations -- Vesting upon submission of development**

H.B. 188



28 **plan and schedule.**

29 (1) (a) (i) An applicant who has submitted a complete land use application as described  
30 in Subsection (1)(c), including the payment of all application fees, is entitled to substantive  
31 review of the application under the land use regulations:

32 (A) in effect on the date that the application is complete; and

33 (B) applicable to the application or to the information shown on the application.

34 (ii) An applicant is entitled to approval of a land use application if the application  
35 conforms to the requirements of the applicable land use regulations, land use decisions, and  
36 development standards in effect when the applicant submits a complete application and pays  
37 application fees, unless:

38 (A) the land use authority, on the record, formally finds that a compelling,  
39 countervailing public interest would be jeopardized by approving the application and specifies  
40 the compelling, countervailing public interest in writing; or

41 (B) in the manner provided by local ordinance and before the applicant submits the  
42 application, the municipality formally initiates proceedings to amend the municipality's land  
43 use regulations in a manner that would prohibit approval of the application as submitted.

44 (b) The municipality shall process an application without regard to proceedings the  
45 municipality initiated to amend the municipality's ordinances as described in Subsection  
46 (1)(a)(ii)(B) if:

47 (i) 180 days have passed since the municipality initiated the proceedings; and

48 (ii) (A) the proceedings have not resulted in an enactment that prohibits approval of the  
49 application as submitted; or

50 (B) during the 12 months prior to the municipality processing the application, or  
51 multiple applications of the same type, are impaired or prohibited under the terms of a  
52 temporary land use regulation adopted under Section 10-9a-504.

53 (c) A land use application is considered submitted and complete when the applicant  
54 provides the application in a form that complies with the requirements of applicable ordinances  
55 and pays all applicable fees.

56 (d) A subsequent incorporation of a municipality or a petition that proposes the  
57 incorporation of a municipality does not affect a land use application approved by a county in  
58 accordance with Section 17-27a-508.

59 (e) The continuing validity of an approval of a land use application is conditioned upon  
60 the applicant proceeding after approval to implement the approval with reasonable diligence.

61 (f) A municipality may not impose on an applicant who has submitted a complete  
62 application a requirement that is not expressed in:

63 (i) this chapter;

64 (ii) a municipal ordinance in effect on the date that the applicant submits a complete  
65 application, subject to Subsection 10-9a-509(1)(a)(ii); or

66 (iii) a municipal specification for public improvements applicable to a subdivision or  
67 development that is in effect on the date that the applicant submits an application.

68 (g) A municipality may not impose on a holder of an issued land use permit or a final,  
69 unexpired subdivision plat a requirement that is not expressed:

70 (i) in a land use permit;

71 (ii) on the subdivision plat;

72 (iii) in a document on which the land use permit or subdivision plat is based;

73 (iv) in the written record evidencing approval of the land use permit or subdivision  
74 plat;

75 (v) in this chapter;

76 (vi) in a municipal ordinance; or

77 (vii) in a municipal specification for residential roadways in effect at the time a  
78 residential subdivision was approved.

79 (h) Except as provided in Subsection (1)(i), a municipality may not withhold issuance  
80 of a certificate of occupancy or acceptance of subdivision improvements because of an  
81 applicant's failure to comply with a requirement that is not expressed:

82 (i) in the building permit or subdivision plat, documents on which the building permit  
83 or subdivision plat is based, or the written record evidencing approval of the land use permit or  
84 subdivision plat; or

85 (ii) in this chapter or the municipality's ordinances.

86 (i) A municipality may not unreasonably withhold issuance of a certificate of  
87 occupancy where an applicant has met all requirements essential for the public health, public  
88 safety, and general welfare of the occupants, in accordance with this chapter, unless:

89 (i) the applicant and the municipality have agreed in a written document to the

90 withholding of a certificate of occupancy; or

91 (ii) the applicant has not provided a financial assurance for required and uncompleted  
92 public landscaping improvements or infrastructure improvements in accordance with an  
93 applicable ordinance that the legislative body adopts under this chapter.

94 (2) A municipality is bound by the terms and standards of applicable land use  
95 regulations and shall comply with mandatory provisions of those regulations.

96 (3) A municipality may not, as a condition of land use application approval, require a  
97 person filing a land use application to obtain documentation regarding a school district's  
98 willingness, capacity, or ability to serve the development proposed in the land use application.

99 (4) Upon a specified public agency's submission of a development plan and schedule as  
100 required in Subsection 10-9a-305(8) that complies with the requirements of that subsection, the  
101 specified public agency vests in the municipality's applicable land use maps, zoning map,  
102 hookup fees, impact fees, other applicable development fees, and land use regulations in effect  
103 on the date of submission.

104 (5) (a) If sponsors of a referendum timely challenge a project in accordance with  
105 Subsection 20A-7-601(6), the project's affected owner may rescind the project's land use  
106 approval by delivering a written notice:

107 (i) to the local clerk as defined in Section 20A-7-101; and

108 (ii) no later than seven days after the day on which a petition for a referendum is  
109 determined sufficient under Subsection 20A-7-607(5).

110 (b) Upon delivery of a written notice described in Subsection (5)(a) the following are  
111 rescinded and are of no further force or effect:

112 (i) the relevant land use approval; and

113 (ii) any land use regulation enacted specifically in relation to the land use approval.

114 (6) After issuance of a building permit, a municipality may not change or add to the  
115 requirements expressed in the building permit  ~~H→~~ , **unless the change or addition is:**

115a **(b) requested by the building permit holder; or**

115b **(c) necessary to comply with an applicable state building code** ←~~H~~ .

116 Section 2. Section 17-27a-508 is amended to read:

117 **17-27a-508. Applicant's entitlement to land use application approval --**

118 **Application relating to land in a high priority transportation corridor -- County's**

119 **requirements and limitations -- Vesting upon submission of development plan and**

120 **schedule.**

121 (1) (a) (i) An applicant who has submitted a complete land use application, including  
122 the payment of all application fees, is entitled to substantive review of the application under the  
123 land use regulations:

124 (A) in effect on the date that the application is complete; and

125 (B) applicable to the application or to the information shown on the submitted  
126 application.

127 (ii) An applicant is entitled to approval of a land use application if the application  
128 conforms to the requirements of the applicable land use regulations, land use decisions, and  
129 development standards in effect when the applicant submits a complete application and pays all  
130 application fees, unless:

131 (A) the land use authority, on the record, formally finds that a compelling,  
132 countervailing public interest would be jeopardized by approving the application and specifies  
133 the compelling, countervailing public interest in writing; or

134 (B) in the manner provided by local ordinance and before the applicant submits the  
135 application, the county formally initiates proceedings to amend the county's land use  
136 regulations in a manner that would prohibit approval of the application as submitted.

137 (b) The county shall process an application without regard to proceedings the county  
138 initiated to amend the county's ordinances as described in Subsection (1)(a)(ii)(B) if:

139 (i) 180 days have passed since the county initiated the proceedings; and

140 (ii) (A) the proceedings have not resulted in an enactment that prohibits approval of the  
141 application as submitted; or

142 (B) during the 12 months prior to the county processing the application or multiple  
143 applications of the same type, the application is impaired or prohibited under the terms of a  
144 temporary land use regulation adopted under Section [17-27a-504](#).

145 (c) A land use application is considered submitted and complete when the applicant  
146 provides the application in a form that complies with the requirements of applicable ordinances  
147 and pays all applicable fees.

148 (d) The continuing validity of an approval of a land use application is conditioned upon  
149 the applicant proceeding after approval to implement the approval with reasonable diligence.

150 (e) A county may not impose on an applicant who has submitted a complete  
151 application a requirement that is not expressed in:

- 152 (i) this chapter;
- 153 (ii) a county ordinance in effect on the date that the applicant submits a complete  
154 application, subject to Subsection 17-27a-508(1)(a)(ii); or
- 155 (iii) a county specification for public improvements applicable to a subdivision or  
156 development that is in effect on the date that the applicant submits an application.
- 157 (f) A county may not impose on a holder of an issued land use permit or a final,  
158 unexpired subdivision plat a requirement that is not expressed:
- 159 (i) in a land use permit;
- 160 (ii) on the subdivision plat;
- 161 (iii) in a document on which the land use permit or subdivision plat is based;
- 162 (iv) in the written record evidencing approval of the land use permit or subdivision  
163 plat;
- 164 (v) in this chapter;
- 165 (vi) in a county ordinance; or
- 166 (vii) in a county specification for residential roadways in effect at the time a residential  
167 subdivision was approved.
- 168 (g) Except as provided in Subsection (1)(h), a county may not withhold issuance of a  
169 certificate of occupancy or acceptance of subdivision improvements because of an applicant's  
170 failure to comply with a requirement that is not expressed:
- 171 (i) in the building permit or subdivision plat, documents on which the building permit  
172 or subdivision plat is based, or the written record evidencing approval of the building permit or  
173 subdivision plat; or
- 174 (ii) in this chapter or the county's ordinances.
- 175 (h) A county may not unreasonably withhold issuance of a certificate of occupancy  
176 where an applicant has met all requirements essential for the public health, public safety, and  
177 general welfare of the occupants, in accordance with this chapter, unless:
- 178 (i) the applicant and the county have agreed in a written document to the withholding  
179 of a certificate of occupancy; or
- 180 (ii) the applicant has not provided a financial assurance for required and uncompleted  
181 public landscaping improvements or infrastructure improvements in accordance with an  
182 applicable ordinance that the legislative body adopts under this chapter.

183 (2) A county is bound by the terms and standards of applicable land use regulations and  
184 shall comply with mandatory provisions of those regulations.

185 (3) A county may not, as a condition of land use application approval, require a person  
186 filing a land use application to obtain documentation regarding a school district's willingness,  
187 capacity, or ability to serve the development proposed in the land use application.

188 (4) Upon a specified public agency's submission of a development plan and schedule as  
189 required in Subsection 17-27a-305(8) that complies with the requirements of that subsection,  
190 the specified public agency vests in the county's applicable land use maps, zoning map, hookup  
191 fees, impact fees, other applicable development fees, and land use regulations in effect on the  
192 date of submission.

193 (5) (a) If sponsors of a referendum timely challenge a project in accordance with  
194 Subsection 20A-7-601(6), the project's affected owner may rescind the project's land use  
195 approval by delivering a written notice:

- 196 (i) to the local clerk as defined in Section 20A-7-101; and
- 197 (ii) no later than seven days after the day on which a petition for a referendum is  
198 determined sufficient under Subsection 20A-7-607(5).

199 (b) Upon delivery of a written notice described in Subsection(5)(a) the following are  
200 rescinded and are of no further force or effect:

- 201 (i) the relevant land use approval; and
- 202 (ii) any land use regulation enacted specifically in relation to the land use approval.

203 (6) After issuance of a building permit, a county may not change or add to the  
204 requirements expressed in the building permit ~~to~~ , unless the change or addition is:

- 204a (b) requested by the building permit holder; or
- 204b (c) necessary to comply with an applicable state building code ~~to~~ .

205 Section 3. **Effective date.**

206 This bill takes effect on May 1, 2024.